

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

MISTY BLANCHETTE PORTER, M.D.,

Plaintiff,

vs.

Case No. 5:17-cv-194

DARTMOUTH-HITCHCOCK MEDICAL
CENTER, DARTMOUTH-HITCHCOCK
CLINIC, MARY HITCHCOCK
MEMORIAL HOSPITAL, and
DARTMOUTH-HITCHCOCK HEALTH,

Defendants.

JOINT MOTION FOR ENTRY OF PROTECTIVE ORDER

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Plaintiff Misty Blanchette Porter and Defendants Dartmouth-Hitchcock Medical Center, Dartmouth-Hitchcock Clinic, Mary Hitchcock Memorial Hospital, and Dartmouth-Hitchcock Health, by and through their undersigned counsel, hereby jointly move that that the Court enter a protective order in the form to which the parties have agreed, attached hereto as Exhibit 1 (the “Order”).

As grounds for this Joint Motion, the parties state as follows:

1. The parties believe that certain materials to be produced or provided in discovery may concern information that a party reasonably believes is not in the public domain and may contain protected health information, proprietary information, commercially sensitive information, or otherwise confidential information (the “Confidential Information”).

2. The parties’ agreements with regard to the treatment of Confidential Information, including the process to challenge the designation of such Confidential Information, are set forth in the proposed Order.

3. In light of the potential for discovery related to highly sensitive and proprietary information, the proposed Order provides that certain documents may be designated for attorneys' eyes only.

4. The proposed Order does not assert that documents identified as "Confidential" by the parties or their attorneys shall be impounded or sealed without the specific order of the Court.

5. The parties are unable to resolve a dispute regarding the procedure for use of Confidential Information in motions, at court hearings, and at trial, and therefore request a status conference with the Court to obtain the Court's guidance to resolve this dispute. *See* Paragraph 16 of proposed Order (Ex. 1).

6. The parties request that the Court enter a protective order now, in the form proposed by the parties, so that discovery can continue to move forward, and then enter a revised protective order once the procedure for use of Confidential Information in motions, at court hearings, and at trial is fully resolved.

7. The parties believe that the proposed Order will permit discovery to move forward more efficiently and hope and expect that it will reduce the need for the Court's involvement in discovery matters concerning Confidential Information.

8. The parties make this request jointly.

WHEREFORE, pursuant to Federal Rule of Civil Procedure 26(c), Plaintiff Misty Blanchette Porter and Defendants Dartmouth-Hitchcock Medical Center, Dartmouth-Hitchcock Clinic, Mary Hitchcock Memorial Hospital, and Dartmouth-Hitchcock Health hereby jointly move that that the Court enter a protective order in the form of the Order to which the parties have agreed, attached hereto as Exhibit 1.

Respectfully submitted,

PLAINTIFF MISTY BLANCHETTE
PORTER, M.D.,

By her attorneys,

/s/ Geoffrey J. Vitt

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DEFENDANTS

DARTMOUTH-HITCHCOCK MEDICAL
CENTER, DARTMOUTH-HITCHCOCK
CLINIC, MARY HITCHCOCK MEMORIAL
HOSPITAL, and
DARTMOUTH-HITCHCOCK HEALTH,

By their attorneys,

/s/ Tristram J. Coffin

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OF COUNSEL

Dated: March 20, 2018

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2018, I electronically filed a true copy of the parties' Joint Motion for Entry of Protective Order with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Tristram J. Coffin

Tristram J. Coffin